

BEFORE THE

SEP 29 1994

**Federal Communications Commission**

WASHINGTON, D. C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
Implementation of Sections 3(n) )  
and 332 of the Communications )  
Act ) GN Docket No. 93-252  
 )  
Regulatory Treatment of Mobile )  
Services )

To: The Commission

**COMMENTS OF APCO  
IN RESPONSE TO  
EMERGENCY MOTION FOR STAY OF APPLICATION FREEZE**

The Association of Public-Safety Communications Officials-International, Inc. ("APCO") hereby submits the following comments regarding the Emergency Motion for Stay of Application Freeze filed on August 30, 1994, by the American Mobile Telecommunications Association, Inc. ("AMTA"), the Council of Independent Communications Suppliers ("CICS"), the Industrial Telecommunications Association, Inc. ("ITA"), and the National Association of Business and Educational Radio, Inc. ("NABER").

APCO is the FCC-certified frequency coordinator for Police, Local Government, and Public Safety Pool channels. APCO is also one of three authorized coordinators (along with ITA and NABER) of the 800 MHz General Category Pool, though virtually all of the General Category applications

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normally filed with APCO are from public safety entities, not SMR applicants. On August 9, 1994, the Commission imposed a freeze on all new 800 MHz SMR applications, including SMR applications in the 800 MHz General Category.

While APCO is not normally the initial coordinator for SMR applications, it does receive copies of every General Category application filed with ITA or NABER (APCO also sends copies of its public safety General Category applications to ITA and NABER). This notification process ensures that each of the three coordinators has an opportunity to object to potentially interfering applications and is able to maintain an accurate data base. APCO does not receive any fees for processing these non-public safety General Category applications.

Until recently, the General Category notification process worked well. However, the flood of SMR applications filed during the past year has imposed an undue burden on APCO. APCO has been receiving approximately 1,200 "no fee" SMR applications from NABER and ITA each month, representing nearly 70% of the total applications requiring APCO processing. Thus, from APCO's perspective, an unintended benefit of the SMR application freeze has been the cessation of a major drain on its time and resources.

APCO, NABER and ITA have been engaged in ongoing discussions to establish a method for electronic data transfer of General Category applications, which would

significantly reduce the burden on APCO of processing those applications. Therefore, APCO would support maintaining the freeze on new SMR General Category applications, at least until such time as the electronic data transfer system is fully implemented and tested. This would greatly facilitate APCO's ability to focus on its principal responsibility of coordinating applications filed by public safety entities.

However, APCO also has another concern arising out of the SMR application freeze. APCO's over 11,000 members are engaged in the operation and management of public safety communications systems throughout the nation, many of which are facing serious spectrum shortages. APCO has been deeply concerned that the SMR "land rush" is allowing commercial entities to hoard valuable 800 MHz channels that are, or will soon be, needed for law enforcement, fire, EMS, and other critical public safety operations.

APCO urges the Commission to establish procedures to weed out SMR speculators with no immediate intention to construct and, more importantly, take steps to ensure that spectrum will still be available to accommodate the growing demand for public safety communications.<sup>1/</sup> The

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<sup>1/</sup> For example, the Commission should reject applications that do not include proof of site availability. APCO is aware of situations where SMR applications have been processed by the Commission even though the site owner has expressly denied access to the applicant. The Commission should also reject multiple applications specifying the same site where the tower obviously could not support all of the proposed transmitters and antennas.

Commission's zeal to auction frequencies to commercial users must not overshadow its primary obligation to satisfy the spectrum needs of users who protect the safety of life and property.

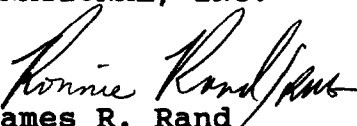
#### CONCLUSION

For the reasons discussed above, APCO urges the Commission to retain the freeze on new SMR General Category applications, at least until such time as ITA, NABER and APCO have implemented electronic application transfer procedures. The Commission must also take appropriate steps to preserve the future availability of 800 MHz channels for public safety users.

Respectfully submitted,

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September 29, 1994

CERTIFICATE OF SERVICE

I, Jane Nauman, hereby certify that a copy of the foregoing "Comments of APCO in Response to Emergency Motion for Stay of Application Freeze" was served this 29th day of September, 1994, by U.S. mail, postage prepaid, to the following individuals at the addresses listed below:

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